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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 09/767,322  | 01/22/2001  | Dean James Tricarico | 257/236             | 9368             |
| 24112   | 7590        | 02/17/2006           | EXAMINER            |                  |
| COATS & BENNETT, PLLC<br>P O BOX 5<br>RALEIGH, NC 27602 |             |                      | YUN, EUGENE         |                  |
|   |             | ART UNIT             |                     | PAPER NUMBER     |
|   |             |                      |                     | 2682             |

DATE MAILED: 02/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                 |                       |
|------------------------------|-----------------|-----------------------|
| <b>Office Action Summary</b> | Application No. | Applicant(s)          |
|                              | 09/767,322      | TRICARICO, DEAN JAMES |
|                              | Examiner        | Art Unit              |
|                              | Eugene Yun      | 2682                  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 07 September 2005.
- 2a) This action is **FINAL**.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1,2,4-14 and 19-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1,2,4-14 and 19-22 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 01 May 2001 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    - a) All    b) Some \* c) None of:
      1. Certified copies of the priority documents have been received.
      2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
      3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                    | Paper No(s)/Mail Date. _____.   |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____.                                   |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 2, 4, 5, 7-13, and 19-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Janky (US 5,629,693) in view of Doshay (US 6,324,393).

Referring to Claim 1, Janky teaches a mobile device, comprising:

a positioner (see LDR in ABSTRACT) configured to determine geographic position information related to the device; and  
a transceiver (fig. 4) communicatively coupled to the positioner and having a unique mobile number assigned by a wireless communications system in which the mobile device operates, the transceiver being configured to receive a position request directed to the unique mobile number and transmitting the geographic position information if the positioner is able to determine the geographic position information (see 2<sup>nd</sup> half of ABSTRACT).

Janky does not teach the transceiver transmitting a tone if the positioner is unable to determine the geographic position information. Doshay teaches the transceiver transmitting a tone if the positioner is unable to determine the geographic position information (see col. 3, lines 9-23). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teachings of

Doshay to said device of Janky in order to more accurately and quickly determine the location of a mobile device in the case of an emergency.

Referring to Claim 11, Janky teaches a wireless communication system comprising at least one network node and a plurality of wireless devices, each device comprising:

a positioner (see LDR in ABSTRACT) configured to determine position information related to the device; and

a transceiver (fig. 4) communicatively coupled to the positioner and having a unique mobile number assigned by the wireless communications system, the transceiver being configured to receive a position request and transmitting the geographic position information if the positioner is able to determine the geographic position information (see 2<sup>nd</sup> half of ABSTRACT).

Janky does not teach the transceiver transmitting a tone if the positioner is unable to determine the geographic position information. Doshay teaches the transceiver transmitting a tone if the positioner is unable to determine the geographic position information, wherein the wireless communications system determines the geographic position of the transceiver based on the transmitted tone (see col. 3, lines 9-23).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teachings of Doshay to said device of Janky in order to more accurately and quickly determine the location of a mobile device in the case of an emergency.

Referring to Claim 19, Janky teaches a method of determining geographic position information of a mobile device that is communicatively coupled to a wireless communication system comprising:

receiving a position request at the mobile device and transmitting the geographic position information to the wireless communication system if the mobile device is able to determine its geographic information (see 2<sup>nd</sup> half of ABSTRACT).

Janky does not teach the mobile device transmitting a tone to the wireless communications system, wherein the wireless communications system uses the transmitted tone to triangulate the geographic location of the mobile device if the mobile device is not able to determine the geographic position information. Doshay teaches the mobile device transmitting a tone to the wireless communications system, wherein the wireless communications system uses the transmitted tone to triangulate the geographic location of the mobile device if the mobile device is not able to determine the geographic position information (see col. 3, lines 9-23). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teachings of Doshay to said device of Janky in order to more accurately and quickly determine the location of a mobile device in the case of an emergency.

Referring to Claim 2, Janky also teaches a GPS receiver (see col. 11, lines 26-28).

Referring to Claim 4, Janky also teaches the positioner and transceiver included on a removable card installed in the device (see figs. 1-3 where the device can be removed from the vehicle).

Referring to Claim 5, Janky also teaches a wireless transceiver (fig. 4 and col. 6, lines 38-43).

Referring to Claim 7, Janky also teaches a first power source and a second power source, wherein the first power source is configured to supply power to the device (see col. 4, lines 39-41), and wherein the second power source is configured to continuously supply power to the positioner and to the transceiver (see col. 7, lines 3-5).

Referring to Claim 8, Janky also teaches the first power source configured to supply power to the device, including the positioner and transceiver (see col. 4, lines 39-41), and wherein the second power source is configured to supply power to the positioner and the transceiver whenever the first power source is unavailable (see col. 7, lines 3-5).

Referring to Claim 9, Janky also teaches a positioner IC and a transceiver IC (fig. 4 and col. 6, lines 38-43).

Referring to Claim 10, Janky also teaches the positioner and transceiver located in a location IC (fig. 4 and col. 6, lines 38-43).

Referring to Claim 12, Janky also teaches the transceiver within a particular device activated when a call is placed through the wireless communication system to the mobile number associated with the device, and wherein the location transceiver is configured to obtain the position information from the positioner (see ABSTRACT), and to continuously transmit the position information to the network node, as soon as the location transceiver is activated (see col. 3, lines 52-57)

Referring to Claim 13, Janky also teaches the network node configured to route the position information to a location information center (see ABSTRACT).

Referring to Claim 20, Doshay also teaches the transceiver continuously transmitting a tone if the positioner is unable to determine the geographic position information (see col. 3, lines 9-23).

Referring to Claim 21, Doshay also teaches the transceiver continuously transmitting a tone if the positioner is unable to determine the geographic position information, wherein the wireless communications system determines the geographic position of the transceiver based on the transmitted tone (see col. 3, lines 9-23).

Referring to Claim 22, Doshay also teaches the mobile device continuously transmitting a tone to the wireless communications system, wherein the wireless communications system uses the transmitted tone to triangulate the geographic location of the mobile device if the mobile device is not able to determine the geographic position information (see col. 3, lines 9-23).

3. Claims 6 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Janky and Doshay as applied to claims 1, 5, and 11-13 above and further in view of Pace, II (US 5,712,899).

Referring to Claim 6, the combination of Janky and Doshay does not teach the wireless transceiver configured to transmit and receive information using at least one of the following communication protocols: CDMA, TDMA, GSM, and WCDMA. Pace teaches the wireless transceiver configured to transmit and receive information using at least one of the following communication protocols: CDMA, TDMA, GSM, and WCDMA

(see col. 5, line 65). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teachings of Pace to the modified system of Doshay and Janky in order to ensure better signal reception without error.

Referring to Claim 14, the combination of Janky and Doshay does not teach the location control center configured to generate a map, and to locate a respective device on the map, based on received position information from the device. Pace teaches the location control center configured to generate a map, and to locate a respective device on the map, based on received position information from the device (fig. 9). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teachings of Pace to the modified system of Doshay and Janky in order to more quickly determine the location of a mobile device.

#### ***Response to Arguments***

4. Applicant's arguments with respect to claims 1, 2, 4-14, and 19-22 have been considered but are moot in view of the new ground(s) of rejection.
5. Applicant's arguments filed 9/7/2005 have been fully considered but they are not persuasive.

The examiner states that it is inherent that the mobile device in Doshay is unable to determine its own geographic position information, since it does not state anywhere in the reference that the mobile device in the Doshay reference can determine its own geographic position information. However, the limitations stating "the mobile device continuously transmitting a tone to the wireless communications system, wherein the

wireless communications system uses the transmitted tone to triangulate the geographic location of the mobile device" is believed to be taught in the Doshay reference. The examiner believes that the combination of the Janky reference and the Doshay reference can be used because the teachings of Doshay can be applied to the mobile device of Janky in the case that the mobile device of Janky is unable to determine its own geographic location. The examiner believes that the combination of the Janky reference and the Doshay reference along with the above comments is sufficient enough to cover the teachings of the claimed invention and therefore, the examiner stands by his rejection.

### ***Conclusion***

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eugene Yun whose telephone number is (571) 272-7860. The examiner can normally be reached on 9:00am-6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doris To can be reached on (571)272-7629. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Eugene Yun  
Examiner  
Art Unit 2682

EY

  
LEE NGUYEN  
PRIMARY EXAMINER